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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,851	02/28/2002	Stanley W. Stephenson	84238CPK	1699

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EXAMINER

WANG, GEORGE Y

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,851

Applicant(s)

STEPHENSON, STANLEY W.

Examiner

George Y. Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7-12 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6 and 13-15, drawn to a transaction card with an LCD display, classified in class 349, subclass 86.
 - II. Claims 7-12 and 16, drawn to a transaction card system, classified in class 235, subclass 375.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as combination and subcombination, respectively. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the display of the transaction card is connected via conductors to any nonspecific external source. The subcombination has separate utility in devices having a source only from an external display driver.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Chris Konkell on 13 August 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-6 and 13-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-12 and 16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Drawings

5. New corrected drawings are required in this application because they are informally labeled. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (U.S. Patent No. 5,055,662) in view of Yang et al. (U.S. Patent No. 6,061,107, from hereinafter "Yang").

8. As to claims 1 and 13, Hasegawa discloses a transaction card and method of making a transaction card having a card body (fig. 1, ref. 1), machine readable information on the card body (fig. 1, ref. 5), a flexible display (fig. 1, ref. 2) affixed to the card body for displaying information related to the machine readable information, and an array of conductors, or contacts (fig. 1, ref. 16), connected to the display for applying selected voltages from an external display driver that changes the state of the display.

Although the reference teaches a display having a polymer-dispersed cholesteric liquid crystal material (fig. 3, ref. 12) having a first planar reflective state (col. 3, lines 21-22) and a second transparent focal conic state (col. 3, lines 30-36), which is responsive to an applied voltage to display information until the voltage is removed (col. 3, lines 44-46), Hasegawa does not specifically disclose a display that is pressure-insensitive.

Yang discloses a bistable polymer dispersed cholesteric liquid crystal display (LCD) that is insensitive to pressure (col. 6, lines 15-18).

It would have been obvious to one of ordinary skill at the time the invention was made to have formed a transaction card with a pressure-insensitive display since one would be motivated to provide versatility (col. 5, lines 1-6), such as different pitches in

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different regions to make, for example, a multi-color display, self-adhesion (col. 6, lines 18-22).that reduces bulkiness, and protection (col. 6, lines 15-18).

9. Regarding claims 2, Hasegawa discloses a transaction card as recited above having a machine readable information on the card body that is magnetic (fig. 1, ref. 5).

10. As per claim 3, Hasegawa discloses a transaction card as recited above having a card body that is a prepaid card, such as a phone card or commuter transaction card (col. 1, lines 14-19).

11. As to claim 6, Hasegawa discloses a transaction card as recited above having a display that at least restricted to seven digits or number displays (col. 1, lines 36-41; col. 1, lines 58-64).

12. Regarding claims 4, 14, and 15, Hasegawa discloses a transaction card made with a cholesteric liquid crystal material as recited above following the steps of providing the liquid crystal layer, providing a substrate having a first conductor (fig. 3, ref. 16b), coating the dispersion on the substrate (fig. 3, ref. 15), and printing the conductors, or contact circuits (fig. 3, ref. 6) on to the coated dispersion.

However, the reference fails to specifically disclose a polymer ratio that renders the composition pressure-insensitive. Furthermore, the reference fails to specifically

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disclose dispersing the liquid crystal in an aqueous gelatin solution and including the step of drying the dispersion after coating.

Yang discloses a bistable polymer dispersed cholesteric liquid crystal display (LCD) that is made insensitive to pressure (col. 6, lines 15-18) by dispersing the liquid crystal in an aqueous gelatin solution and including the step of drying the dispersion after coating (col. 2, lines 54-64).

It would have been obvious to one of ordinary skill at the time the invention was made to have formed a transaction card with a pressure-insensitive display since one would be motivated to provide versatility (col. 5, lines 1-6), such as different pitches in different regions to make, for example, a multi-color display, self-adhesion (col. 6, lines 18-22).that reduces bulkiness, and protection (col. 6, lines 15-18).

13. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa and Yang in view of Hara (U.S. Patent No. 4,797,542).

Hasegawa and Yang disclose a transaction card as recited above with conductors, however, the reference fail to specifically disclose conductors that are a printed emulsion of carbon in polymer.

Hara discloses a transaction card with an LCD display having conductors that are a printed carbon (fig. 4, ref. 32a; col. 5, lines 14-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have conductors that are a printed emulsion of carbon in

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polymer since one would be motivated to provide a reliable and well-known means of transmitting power to the display.


Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Y. Wang whose telephone number is 703-305-7242. The examiner can normally be reached on M-F, 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 703-305-3492. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

gw
August 14, 2003


JAMES DUDEK
PRIMARY EXAMINER